

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

UNITED STATES;

UNITED STATES DEPARTMENT OF
ENERGY;

Case No. 1:16-cv-00391-JMC

DR. ERNEST MONIZ,
in his official capacity as Secretary of
Energy;

NATIONAL NUCLEAR SECURITY
ADMINISTRATION; and

LT. GENERAL FRANK G. KLOTZ,
in his official capacity as Administrator of
the National Nuclear Security Administration
and Undersecretary for Nuclear Security.

Defendants.

DECLARATION OF PETER H. HANLON

I, Peter H. Hanlon, hereby declare and attest as follows:

1. I am employed by the United States Department of Energy ("The Department" or "DOE"), National Nuclear Security Administration ("NNSA") as the Assistant Deputy Administrator for the Office of Material Management and Minimization ("M3"). I am responsible for managing the development of policy and directing the implementation of NNSA decisions regarding the management and minimization of weapons-grade fissile materials declared excess to national security needs domestically, as well as vulnerable, high risk material

internationally; overseeing the preparation of technical, environmental, budgetary, economic, policy, and other analyses necessary for the formulation of program decisions; serving as the NNSA's principal point-of-contact for matters involving Headquarters and field office management on issues associated with the management, minimization, and elimination of surplus weapons-usable fissile materials; and working closely with other NNSA and Departmental elements, laboratories, field offices, and other U.S. government agencies to achieve the M3 mission. This mission contributes significantly to national security through permanent threat reduction by elimination of vulnerable nuclear material.

2. During my tenure, I have become familiar with the Department's policies for identifying material and executing international retrievals or disposition. I provide advice to senior NNSA and DOE management on all aspects of material management and minimization.

3. These duties include oversight of the Gap Material Removal program which collaborates with global partners and facilities to consolidate, remove, and dispose of excess highly-enriched uranium (HEU) and plutonium from civilian sites around the world that could be used by terrorists to make an improvised nuclear device.

4. I have served in this capacity since January 2015.

5. The information contained in this declaration is based upon my personal knowledge and information that I have obtained in my official capacity.

6. The purpose of this declaration is to inform the Court of the importance of the Gap Removal program to national security and that the program does not have any planned shipments of plutonium to the United States within the next two years.

NNSA'S GAP MATERIAL REMOVAL PROGRAM

7. The Gap Material Removal program was created in 2004 to address vulnerable, high risk materials that were not covered by existing programs. This includes fresh HEU, spent HEU fuel not covered by existing programs, and separated plutonium. For the spent HEU fuel and separated plutonium, DOE/NNSA policy allows the import of this material only if it meets certain criteria and appropriate environmental requirements. Specifically, the material must:

- a) Pose a threat to national security
- b) Be susceptible for use in an improvised nuclear device
- c) Present a high risk of terrorist threat

- d) Have no other reasonable pathway to assure security from theft or diversion
- e) Meet the acceptance criteria of the storage facility at the receiving site and have assurance that there is an adequate storage capacity to accommodate the material at the receiving site

8. The program first seeks to eliminate or dispose of this material within the country where it is located. If no alternate disposition pathway exists, material is evaluated according to the requirements above for removal to the United States.

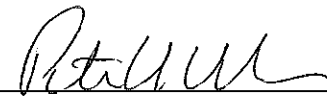
9. To date, DOE/NNSA has made six shipments of Gap Plutonium to the United States. All this material is currently securely stored at the Savannah River Site pending disposition. All six shipments were a priority for the White House as part of the Nuclear Security Summit (NSS) Process.

10. DOE/NNSA also plans to engage with other countries to address up to a total of about 500 kg of separated plutonium. However, DOE/NNSA will first seek alternate disposition pathways. No shipments are planned within the next two years.

11. No other shipments of defense plutonium to the Savannah River Site for processing at the MOX facility are contemplated at this time. Shipments of defense plutonium to be processed at the MOX facility were suspended in 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of June, 2016.



Peter H. Hanlon